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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
UNILEVER SUPPLY CHAIN, INC. and
CONOPCO, INC. d/b/a UNILEVER,

Plaintiffs,

-against-

GLOBAL HEALTH TECHNOLOGIES INC.,
WELLNX LIFE SCIENCES INC.,
WELLNX DR INCORPORATED,
NX CARE INC., DEREK WOODGATE and
BRAD WOODGATE,

Defendants.
-----X

**FIRST AMENDED COMPLAINT
AND JURY DEMAND**

Case No. 08-CV-3775 (DC) (AJP)

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U.S. DISTRICT COURT
S.D.N.Y.

Plaintiffs, Unilever Supply Chain, Inc. and Conopco, Inc. d/b/a Unilever, by their
undersigned attorneys, Duane Morris LLP, for their First Amended Complaint allege as follows:

SUBSTANCE OF THE ACTION

1. This is an action for trademark infringement, unfair competition and dilution with respect to plaintiffs' federally registered and famous SLIM-FAST® mark and false advertising with respect to Defendants' false and/or misleading claims and statements regarding certain of their products. SLIM-FAST® products are extraordinarily famous as weight management and meal replacement products. This action arises out of defendants' unauthorized past, current and planned use of the names SLIMQUICK and SLIMQUICK LABORATORIES in connection with various weight loss products and dietary supplements and false and/or misleading claims and

statements concerning certain of their products, which provides the basis for plaintiffs' claims for federal trademark infringement and unfair competition under Sections 32(l) and 43(a) of the Trademark Act of 1946 (the "Lanham Act"), 15 U.S.C. §§ 1114(l) and 1125(a), for federal false advertising under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1), for federal trademark dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)(1), and for substantial and related claims of unfair competition, deceptive trade practices, false advertising, dilution, tarnishment and injury to business reputation arising under the laws of the State of New York. Plaintiffs seek a temporary restraining order, preliminary and permanent injunctive relief and damages.

JURISDICTION AND VENUE

2. This Court has jurisdiction under Section 39 of the Lanham Act, 15 U.S.C. § 1121, Sections 1332(a), 1338(a), 1338(b) of the Judicial Code, 28 U.S.C. § 1332(a), § 1338(a) and § 1338(b), and under principles of supplemental and supplementary jurisdiction. This Court has personal jurisdiction over Defendants because they sell and market their products to customers located in the State of New York. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Venue properly lies in this District under Sections 1391(b) and (c) of the Judicial Code, 28 U.S.C. § 1391(b) and § 1391(c) because Defendants do business in and/or have substantial contacts with and/or may be found in the Southern District of New York, and a substantial portion of the events at issue have arisen and/or will arise in this judicial district.

PARTIES

3. Plaintiff Unilever Supply Chain, Inc. ("Unilever Supply Chain") is a corporation duly organized and existing under the laws of Delaware with offices at 1 John Street, Clinton,

Connecticut 06413. Plaintiff Unilever Supply Chain is the owner of numerous U.S. trademark registrations for the famous SLIM-FAST® trademark ("SLIM-FAST® Mark").

4. Plaintiff Conopco, Inc. d/b/a Unilever ("Conopco") is a corporation duly organized and existing under the laws of New York with offices at 800 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. Conopco is Unilever Supply Chain's exclusive licensee of the SLIM-FAST® Mark, which it uses in connection with meal replacement and weight management products. Plaintiffs Unilever Supply Chain and Conopco are collectively hereinafter referred to as "Plaintiffs."

5. Upon information and belief, defendant Global Health Technologies Inc. is a corporation duly organized and existing under the laws of Canada with its principal place of business located at 5800 Explorer Drive, Suite 320, Mississauga, Ontario L4W 5K9, and offices located at 735 Delaware Road, Suite 337, Buffalo, New York 14223-1231 and 1201 N. Orange Street, Suite 741, Wilmington, Delaware 19801.

6. Upon information and belief, defendant Wellnx Life Sciences Inc. is a corporation duly organized and existing under the laws of Canada with its principal place of business located at 5800 Explorer Drive, Suite 320, Mississauga, Ontario L4W 5K9, and offices located at 735 Delaware Road, Suite 337, Buffalo, New York 14223-1231 and 1201 N. Orange Street, Suite 741, Wilmington, Delaware 19801. Upon information and belief, Wellnx Life Sciences Inc. does or has done business under the trade name NX Labs Inc.

7. Upon information and belief, defendant Wellnx DR Incorporated is a corporation duly organized and existing under the laws of Canada with its principal place of business located at 5800 Explorer Drive, Suite 320, Mississauga, Ontario L4W 5K9, and offices located at 735

Delaware Road, Suite 337, Buffalo, New York 14223-1231 and 1201 N. Orange Street, Suite 741, Wilmington, Delaware 19801.

8. Upon information and belief, defendant NX Care Inc. is a corporation duly organized and existing under the laws of Canada with its principal place of business located at 5800 Explorer Drive, Suite 320, Mississauga, Ontario L4W 5K9, and offices located at 735 Delaware Road, Suite 337, Buffalo, New York 14223-1231 and 1201 N. Orange Street, Suite 741, Wilmington, Delaware 19801.

9. Upon information and belief, defendant Derek Woodgate is or was an officer, director and/or managing agent of Defendants Global Health Technologies Inc., Wellnx Life Sciences Inc., Wellnx DR Incorporated and/or NX Care Inc.

10. Upon information and belief, defendant Brad Woodgate is or was an officer, director and/or managing agent of Defendants Global Health Technologies Inc., Wellnx Life Sciences Inc., Wellnx DR Incorporated and/or NX Care Inc.

11. Defendants Global Health Technologies Inc., Wellnx Life Sciences, Inc., Wellnx DR Incorporated, NX Care Inc., Derek Woodgate and Brad Woodgate are collectively hereinafter referred to as "Defendants."

FACTS COMMON TO ALL CLAIMS FOR RELIEF

A. Plaintiffs' Activities

12. Conopco is a leading manufacturer, distributor and seller of meal replacement and weight management products. Conopco distributes and sells its products throughout the country under its famous SLIM-FAST® Mark.

13. Plaintiffs and their predecessors have sold their line of meal replacement and weight management products under their SLIM-FAST® Mark continuously in interstate

commerce throughout the United States since at least as early as 1977. The famous SLIM-FAST® Mark has appeared on product packaging, advertising, promotional materials, displays and the like.

14. Plaintiff Unilever Supply Chain, Inc. is the owner of the following valid, subsisting and incontestable U.S. trademark registrations for the mark SLIM-FAST®:

MARK	REGISTRATION NO./ DATE	GOODS AND SERVICES
SLIM-FAST	1,102,508 September 19, 1978	Protein food supplement
SLIM-FAST	1,288,616 August 7, 1984	Beverage powder meal replacement mix
SLIM-FAST	1,358,816 September 10, 1985	Dietary meal replacement nutritional bars, and instant pudding meal replacement mix

These incontestable registrations serve as conclusive evidence of Plaintiffs' exclusive right to use SLIM-FAST® on the goods specified therein. Copies of the registrations are annexed hereto as Exhibit 1 and incorporated herein by reference.

15. In addition, Plaintiff Unilever Supply Chain, Inc. is the owner of the following valid and subsisting U.S. trademark registrations for the mark SLIM-FAST OPTIMA®:

MARK	REGISTRATION NO./ DATE	GOODS AND SERVICES
SLIM-FAST OPTIMA	2,913,870 December 21, 2004	Ready to drink meal replacement shakes
SLIM-FAST OPTIMA	2,915,210 December 28, 2004	Meal replacement bars

MARK	REGISTRATION NO./ DATE	GOODS AND SERVICES
SLIM-FAST OPTIMA	2,979,959 July 26, 2005	Beverage powder meal replacement mix; chocolate-based snack bars

These registrations serve as prima facie evidence of Plaintiffs' exclusive right to use SLIM-FAST OPTIMA® on the goods specified therein. Copies of the registrations are annexed hereto as Exhibit 2 and incorporated herein by reference.

16. SLIM-FAST® products are currently available and sold to consumers throughout this District, this State, and the United States.

17. SLIM-FAST® products are also sold in a host of other countries including Canada.

18. SLIM-FAST® brand products are sold through numerous mass retail trade channels, such as supermarkets, drug stores, convenience stores and national chain stores including such leading retailers as Walgreens, Wal-Mart, Target, CVS, and Duane Reade, and on internet websites such as www.drugstore.com and www.amazon.com.

19. Over the years, the volume of sales of goods in the United States sold under the SLIM-FAST® Mark has been enormous. The SLIM-FAST® brand of meal replacement and weight management products is the largest selling brand for these products in the United States with billions of dollars in sales in the United States since 1977.

20. The extraordinary success of Plaintiffs' SLIM-FAST® brand products over many years has fostered wide renown with the trade and public and the products sold under the brand have a reputation for being of the highest quality. As a result of such success, and the long, continuous and exclusive use of the SLIM-FAST® Mark in connection with the marketing of

meal replacement and weight management products, such products have also come to be identified by the trade and public by and with the name and mark SLIM-FAST® alone.

21. Plaintiffs continuously and extensively advertise and promote the SLIM-FAST® Mark and the products sold thereunder. Since 1977, Plaintiffs and their predecessors have spent well over one billion dollars advertising and promoting the SLIM-FAST® brand in the United States.

22. Plaintiffs operate a website at the domain name address www.slim-fast.com, which serves to advertise and promote their SLIM-FAST® brand products and provide nutritional and dietary information and support to consumers of SLIM-FAST® meal replacement and weight management products.

23. Plaintiffs have advertised and promoted their SLIM-FAST® brand in a wide variety of national media including nationally circulated newspapers with circulation ranging from 20-45 million readers and magazines such as Glamour, Elle, People, Cooking Light, Better Homes & Gardens, and Fitness. Plaintiffs have also advertised and continue to advertise on the major television broadcast networks and leading cable networks nationwide and have done significant nationwide radio advertising. Plaintiffs' television commercials have featured testimonials from celebrity spokespersons such as Tommy Lasorda, Whoopi Goldberg and Rachel Hunter. Plaintiffs also promote their SLIM-FAST® brand products through the Internet, billboards, banner ads, store displays, publications, sponsorship events such as concerts and entertainment performances, and tradeshows, marketing fairs and/or tours for the SLIM-FAST® brand.

24. Because of the extensive advertising and promotion and use of the SLIM-FAST® Mark, Plaintiffs' mark has acquired enormous value and has become extremely well known to

the consuming public and trade as identifying and distinguishing Plaintiffs' high quality SLIM-FAST® products from those of their competitors.

B. Defendants' Unlawful Activities

25. Upon information and belief, Defendants Derek Woodgate and Brad Woodgate direct and exert substantial control over the activities and operations of Defendants Global Health Technologies Inc., Wellnx Life Sciences Inc., Wellnx DR Incorporated and NX Care Inc., including the activities that give rise to New York jurisdiction in this matter. Upon information and belief, Defendants Derek Woodgate and Brad Woodgate made false and/or misleading claims and/or statements in connection with certain transformation testimonials included in the packaging of certain of Defendants' SLIMQUICK products.

26. Upon information and belief, Defendants manufacture, market, distribute and sell weight loss products and dietary supplements under the names SLIMQUICK and SLIMQUICK LABORATORIES through a distribution network throughout the United States. Upon information and belief, Defendants' weight loss products and dietary supplements are marketed in packaging bearing SLIMQUICK and SLIMQUICK LABORATORIES. Attached hereto as Exhibit 3 are printouts from the website www.walgreens.com showing the packaging of Defendants' weight loss products and dietary supplements bearing SLIMQUICK and SLIMQUICK LABORATORIES.

27. According to one of Defendants' websites located at www.wellnx.com ("Defendants' Website"), Defendants sell their dietary products at such leading retailers as Wal-Mart, GNC, Walgreens, CVS, Vitamin World and others.

28. Consumers have been misled by Defendants' unauthorized and infringing use of SLIMQUICK and SLIMQUICK LABORATORIES to believe that Defendants' SLIMQUICK

and SLIMQUICK LABORATORIES brand products are sponsored by, licensed from or otherwise affiliated with Plaintiffs and/or Plaintiffs' SLIM-FAST® products.

29. Defendants' unauthorized and infringing use of SLIMQUICK and SLIMQUICK LABORATORIES has caused consumer confusion in the marketplace.

30. Without Plaintiffs' permission or knowledge, Defendant NX Care Inc. filed applications with the United States Patent and Trademark Office (PTO) to register SLIMQUICK and SLIMQUICK LABORATORIES under Serial Nos. 76/652,169 and 76/652,168 respectively for "dietary supplements." These applications are currently pending in the PTO and have been assigned to Defendant Wellnx Life Sciences Inc.

31. Defendants' use of and applications to register SLIMQUICK and SLIMQUICK LABORATORIES in the United States occurred long after Plaintiffs and their predecessors began using the SLIM-FAST® Mark, had obtained federal registrations for the SLIM-FAST® Mark, and the SLIM-FAST® Mark had acquired enormous goodwill and become famous.

32. Upon information and belief, Defendants have not ceased use of SLIMQUICK or SLIMQUICK LABORATORIES.

33. Defendants adopted, commenced use of and are using and planning to use SLIMQUICK and SLIMQUICK LABORATORIES with the intent and purpose of trading on the extensive goodwill built up by Plaintiffs in their SLIM-FAST® Mark and to reap the benefits of years of effort and investment by Plaintiffs to create public recognition of their marks.

34. Defendants' conduct is intentionally fraudulent, malicious, willful and wanton.

35. Defendants' acts of imitation have been committed with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake, or to deceive.

Defendants' use of SLIMQUICK and SLIMQUICK LABORATORIES has already caused confusion in the marketplace.

36. Several consumer suits have been filed in the United States against Defendants which suits include claims that Defendants have made false and misleading product and advertising claims in connection with their SLIMQUICK products.

37. Upon information and belief, some research studies have found that the actives of Hoodia gordonii have an appetite suppressing effect. Plaintiffs are not aware of any research studies that show that the non-actives of Hoodia gordonii have an appetite suppressing effect.

38. Defendants claim and state that certain of their SLIMQUICK products contain Hoodia gordonii ("Defendants' Hoodia Products"), and further state in their advertising and packaging materials that Hoodia gordonii has an appetite suppressing effect. Defendants claim and state that the presence of Hoodia gordonii in Defendants' Hoodia Products has been tested and verified. The plain import of such statements is to suggest that Defendants' products have an appetite suppressing effect because of the presence in the product of Hoodia gordonii. Defendants' claims and statements were made on product packaging, Defendants' websites, and/or in advertising and promotional materials. These claims and statements constitute advertising within the meaning of state and federal statutes.

39. Upon information and belief, some or all of Defendants' Hoodia Products do not contain the actives of Hoodia gordonii.

40. Consumers have been misled and deceived by Defendants' false and/or misleading claims and statements.

FIRST CLAIM FOR RELIEF
FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. § 1114(1))

41. Plaintiffs reallege paragraphs 1 through 40 above and incorporate them by reference as if fully set forth herein.

42. Defendants' use of SLIMQUICK and SLIMQUICK LABORATORIES in connection with their weight loss products and dietary supplements infringes on Plaintiffs' exclusive rights in their federally-registered marks, is likely to cause confusion, mistake, or deception, and constitutes trademark infringement, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

43. Upon information and belief, Defendants have used SLIMQUICK and SLIMQUICK LABORATORIES in connection with their weight loss products and dietary supplements with full knowledge of the long and extensive prior use of the SLIM-FAST® Mark by Plaintiffs.

44. Defendants' conduct is causing immediate and irreparable injury to Plaintiffs, and to their goodwill and reputation, and will continue both to damage Plaintiffs and to confuse the public unless enjoined by this Court. Plaintiffs have no adequate remedy at law.

SECOND CLAIM FOR RELIEF
FEDERAL UNFAIR COMPETITION
(15 U.S.C. §1125(a)(1))

45. Plaintiffs reallege paragraphs 1 through 44 above and incorporate them by reference as if fully set forth herein.

46. Defendants' use of SLIMQUICK and SLIMQUICK LABORATORIES in connection with their weight loss products and dietary supplements is likely to cause confusion, mistake, or deception, and constitutes a false designation of origin, a false description and representation of Defendants' goods and a false representation that Defendants' goods are

sponsored, endorsed, licensed, authorized and/or affiliated or connected with Plaintiffs in violation of Section 43 of the Lanham Act, 15 U.S.C. §1125(a)(1).

47. Upon information and belief, Defendants used SLIMQUICK and SLIMQUICK LABORATORIES in connection with their weight loss products and dietary supplements with full knowledge of the long and extensive prior use of the SLIM-FAST® Mark by Plaintiffs.

48. Defendants' acts are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

49. Defendants' conduct has caused and will continue to cause irreparable injury to Plaintiffs unless enjoined by this Court. Plaintiffs have no adequate remedy at law.

THIRD CLAIM FOR RELIEF
FEDERAL FALSE ADVERTISING
(15 U.S.C. §1125(a)(1))

50. Plaintiffs reallege paragraphs 1 through 49 above and incorporate them by reference as if fully set forth herein.

51. Defendants' false and/or misleading claims and statements are likely to deceive the relevant purchasing public and/or cause confusion or mistake.

52. Defendants' acts are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1).

53. Defendants' conduct has caused and will continue to cause irreparable injury to Plaintiffs, and will continue both to damage Plaintiffs and to deceive and confuse the public unless enjoined by this Court. Plaintiffs have no adequate remedy at law.

FOURTH CLAIM FOR RELIEF
FEDERAL DILUTION (15 U.S.C. § 1125(c)(1))

54. Plaintiffs reallege paragraphs 1 through 53 above and incorporate them by reference as if fully set forth herein.

55. By reason of Plaintiffs' continuous and extensive sales, use and advertising of their products bearing the SLIM-FAST® Mark, the SLIM-FAST® Mark has become famous and highly distinctive of Plaintiffs and is uniquely associated with Plaintiffs.

56. Defendants' above-described actions occurred after Plaintiffs' SLIM-FAST® Mark acquired fame, and will, unless restrained, likely dilute the distinctive quality of Plaintiffs' famous SLIM-FAST® Mark by destroying the exclusive association between Plaintiffs' marks and their goods and services, and/or otherwise lessening the capacity of the SLIM-FAST® Mark to identify Plaintiffs and their goods exclusively and/or tarnishing Plaintiffs' valuable SLIM-FAST® Mark by undermining and damaging the goodwill and reputation associated with the SLIM-FAST® Mark.

57. Defendants' aforesaid actions are in violation of § 43(c)(1) of the Lanham Act, 15 U.S.C. § 1125(c)(1), and have already caused Plaintiffs irreparable damage and will, unless restrained, continue to so damage Plaintiffs, which have no adequate remedy at law.

FIFTH CLAIM FOR RELIEF
COMMON LAW UNFAIR COMPETITION

58. Plaintiffs reallege paragraphs 1 through 57 above and incorporate them by reference as if fully set forth herein.

59. Upon information and belief, Defendants were aware of Plaintiffs' prior use of Plaintiffs' registered SLIM-FAST® Mark, and adopted and used SLIMQUICK and SLIMQUICK LABORATORIES in disregard of Plaintiffs' prior use and rights in Plaintiffs' SLIM-FAST® Mark.

60. Upon information and belief, Defendants' use of SLIMQUICK and SLIMQUICK LABORATORIES has resulted in the misappropriation of and trading upon Plaintiffs' good will and business reputation at Plaintiffs' expense and without any expense to Defendants. The effect

of Defendants' misappropriation of the goodwill symbolized by Plaintiffs' SLIM-FAST® Mark is to unjustly enrich Defendants, damage Plaintiffs and confuse and/or deceive the public.

61. Defendants' conduct constitutes unfair competition with Plaintiffs, all of which has caused and will continue to cause irreparable injury to Plaintiffs' good will and reputation unless enjoined by this Court. Plaintiffs have no adequate remedy at law.

SIXTH CLAIM FOR RELIEF
DILUTION AND INJURY TO BUSINESS REPUTATION
(N.Y. General Business law §360-l)

62. Plaintiffs reallege paragraphs 1 through 61 above and incorporate them by reference as if fully set forth herein.

63. Defendants' unauthorized use of SLIMQUICK and SLIMQUICK LABORATORIES in connection with their weight loss products and dietary supplements will cause the dilution of the distinctive quality of Plaintiffs' SLIM-FAST® Mark, resulting in injury to Plaintiffs' business reputation.

64. Defendants' use of SLIMQUICK and SLIMQUICK LABORATORIES in connection with goods not controlled or otherwise subject to Plaintiffs' control is causing and will continue to cause dilution and/or injury to the reputation of Plaintiffs and Plaintiffs' goods.

65. Upon information and belief, Defendants do not own a U.S. trademark registration for SLIMQUICK or SLIMQUICK LABORATORIES.

66. By reason of the foregoing, Plaintiffs are entitled to injunctive relief under New York General Business Law §360-l.

67. Defendants' conduct has caused and will continue to cause irreparable injury to Plaintiffs unless enjoined by this Court. Plaintiffs have no adequate remedy at law.

SEVENTH CLAIM FOR RELIEF
DECEPTIVE TRADE PRACTICES (N.Y. General Business Law § 349)

68. Plaintiffs reallege paragraphs 1 through 67 above and incorporate them by reference as if fully set forth herein.

69. By reason of the acts and practices set forth above, Defendants have and are engaged in deceptive trade practices or acts in the conduct of a business, trade or commerce, or furnishing of goods and/or services, in violation of § 349 of the New York General Business Law.

70. The public is likely to be damaged as a result of the deceptive trade practices or acts engaged in by Defendants.

71. Unless enjoined by the Court, Defendants will continue said deceptive trade practices or acts, thereby deceiving the public and causing immediate and irreparable damage to Plaintiffs. Plaintiffs have no adequate remedy at law.

EIGHTH CLAIM FOR RELIEF
FALSE ADVERTISING (N.Y. General Business Law § 350)

72. Plaintiffs reallege paragraphs 1 through 71 above and incorporate them by reference as if fully set forth herein.

73. By reason of the acts and practices set forth above, Defendants have made and continue to make false and/or misleading claims and/or statements in the conduct of a business, trade or commerce, or furnishing of goods and/or services, in violation of § 350 of the New York General Business Law.

74. The public is likely to be damaged as a result of the false and/or misleading claims and statements made by Defendants.

75. Unless enjoined by the Court, Defendants will continue making said false and/or misleading claims and statements, thereby deceiving the public and causing immediate and irreparable damage to Plaintiffs. Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs demand judgment as follows:

1. Preliminarily and permanently enjoining Defendants, their employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendants from:
 - (a) using or authorizing any third party to use as a trademark, service mark, domain name, business name, trade name or symbol of origin SLIMQUICK, SLIMQUICK LABORATORIES and/or any other counterfeit, copy, simulation, confusingly similar variation, or colorable imitation of Plaintiffs' SLIM-FAST® Mark in any manner or form, on or in connection with any business, products or services, or in the marketing, advertising and promotion of same;
 - (b) imitating, copying or making any unauthorized use of Plaintiffs' SLIM-FAST® Mark or any copy, simulation, variation or imitation thereof;
 - (c) making or displaying any statement or representation that is likely to lead the public or the trade to believe that Defendants' goods are in any manner associated or affiliated with or approved, endorsed, licensed, sponsored, authorized or franchised by or are otherwise connected with Plaintiffs;
 - (d) making false and/or misleading claims and/or statements;
 - (e) using or authorizing any third party to use in connection with the rendering, offering, advertising, or promotion of any goods, any false

- description, false representation, or false designation of origin, or any marks, names, words, symbols, devices or trade dress which falsely associate such goods or services with Plaintiffs or tend to do so;
- (f) diluting the distinctive quality of Plaintiffs' SLIM-FAST® Mark;
 - (g) registering or applying to register as a trademark, service mark, domain name, trade name or other source identifier or symbol of origin SLIMQUICK, SLIMQUICK LABORATORIES or any other mark, trade dress or name that infringes on or is likely to be confused with Plaintiffs' SLIM-FAST® Mark;
 - (h) engaging in any other activity constituting unfair competition with Plaintiffs, or constituting an infringement of Plaintiffs' SLIM-FAST® Mark, or of Plaintiffs' rights therein; and
 - (i) aiding, assisting or abetting any other party in doing any act prohibited by sub-paragraphs (a) through (h).

2. Requiring Defendants to formally abandon with prejudice U.S. trademark applications Serial Nos. 76/652,168 and 76/652,169 and any other applications to register SLIMQUICK, SLIMQUICK LABORATORIES or any other trademark, service mark, or trade dress consisting of, containing, or confusingly similar to Plaintiffs' SLIM-FAST® Mark either alone or in combination with other words and/or designs.

3. Requiring Defendants to direct all distributors, retail establishments or wholesale establishments to cease the distribution or sale of any and all goods sold in connection with or bearing SLIMQUICK and/or SLIMQUICK LABORATORIES.

4. Requiring Defendants to direct all distributors, retail establishments or wholesale establishments to cease the distribution or sale of any and all SLIMQUICK products which contain false or misleading claims or statements.

5. Directing that Defendants deliver for destruction all products and goods, advertisements for such, and other materials in their possession, or under their control, incorporating or bearing SLIMQUICK or SLIMQUICK LABORATORIES or any other simulations, variations or colorable imitations of Plaintiffs' SLIM-FAST® Mark, used alone or in combination with other words and/or designs.

6. Directing such other relief as the Court may deem appropriate to prevent the trade and public from deriving the erroneous impression that any product or service manufactured, sold, distributed, licensed or otherwise offered, circulated or promoted by Defendants is authorized, sponsored by, or otherwise affiliated with Plaintiffs or related in any way to Plaintiffs' products.

7. Directing that Defendants file with the Court and serve upon Plaintiffs' counsel within thirty (30) days after entry of such judgment, a report in writing under oath, setting forth in detail the manner and form in which Defendants have complied therewith.

8. Awarding Plaintiffs such damages as they have sustained or will sustain by reason of Defendants' trademark infringement, unfair competition, dilution and injury to business reputation and deceptive trade practices.

9. Awarding Plaintiffs all gains, profits, property and advantages derived by Defendants from such conduct, and pursuant to 15 U.S.C. § 1107, awarding Plaintiffs three times the amount of the actual damages sustained as a result of Defendants' violations of the Lanham Act.

10. Awarding Plaintiffs exemplary and punitive damages to deter any future willful infringement as the Court finds appropriate.

11. Awarding Plaintiffs their costs and disbursements incurred in this action, including their reasonable attorneys' fees.

12. Awarding Plaintiffs interest, including pre-judgment interest, on the foregoing sums.

JURY DEMAND

Plaintiffs hereby demand a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: New York, New York
August 13, 2008

Respectfully submitted,

DUANE MORRIS LLP

By: 

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Attorneys for Plaintiffs
Unilever Supply Chain, Inc. and
Conopco, Inc. d/b/a Unilever

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 13, 2008, I served by pre-paid, first-class mail and e-mail the attached First Amended Complaint on Defendants' counsel, Roger A. Colaizzi, Esq., Venable LLP, 575 7th Street, NW, Washington, D.C. 20004-1601.

By:



Christopher J. Rooney

Exhibit 1

Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office

Reg. No. 1,102,508

Registered Sept. 19, 1978

TRADEMARK

Principal Register

SLIM-FAST

Thompson Medical Company, Inc. (New York corporation)
919 3rd Ave.
New York, N.Y. 10022

For: PROTEIN FOOD SUPPLEMENT, in CLASS 5
(U.S. CL. 18).

First use May 17, 1977; in commerce May 17, 1977.

Ser. No. 162,581, filed Mar. 17, 1978.

MARK HARRISON, Examiner

Int. Cl.: 5

Prior U.S. Cls.: 18 and 46

United States Patent and Trademark Office

Reg. No. 1,288,616

Registered Aug. 7, 1984

TRADEMARK
Principal Register

SLIM-FAST

Thompson Medical Company, Inc. (New York
corporation)
919 Third Ave.
New York, N.Y. 10022

For: BEVERAGE POWDER MEAL RE-
PLACEMENT MIX, in CLASS 5 (U.S. Cls. 18 and
46).

First use Jul. 1977; in commerce Jul. 1977.
Owner of U.S. Reg. No. 1,102,508.

Ser. No. 435,336, filed Jul. 20, 1983.

ROBERT RABINOWITZ, Examiner

Int. Cl.: 5

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,358,816**
Registered Sep. 10, 1985

**TRADEMARK
PRINCIPAL REGISTER**

SLIM-FAST

THOMPSON MEDICAL COMPANY, INC. (NEW
YORK CORPORATION)
919 THIRD AVENUE
NEW YORK, NY 10022

FOR: DIETARY MEAL REPLACEMENT NU-
TRITIONAL BARS, AND INSTANT PUDDING
MEAL REPLACEMENT MIX, IN CLASS 5 (U.S.
CL. 46).

FIRST USE 10-1-1983; IN COMMERCE
10-1-1983.

OWNER OF U.S. REG. NOS. 1,102,508 AND
1,288,616.

SER. NO. 523,212, FILED 2-21-1985.

NANCY L. HANKIN, EXAMINING ATTORNEY

Exhibit 2

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,913,870

United States Patent and Trademark Office

Registered Dec. 21, 2004

**TRADEMARK
PRINCIPAL REGISTER**

SLIM-FAST OPTIMA

LIPTON INVESTMENTS, INC. (DELAWARE
CORPORATION)
501 SILVERSIDE ROAD
WILMINGTON, DE 19809

FIRST USE 7-19-2004; IN COMMERCE 7-19-2004.

SN 78-234,078, FILED 4-4-2003.

FOR: READY TO DRINK MEAL REPLACEMENT
SHAKES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND
52).

GEOFFREY FOSDICK, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,915,210

United States Patent and Trademark Office

Registered Dec. 28, 2004

**TRADEMARK
PRINCIPAL REGISTER**

SLIM-FAST OPTIMA

LIPTON INVESTMENTS, INC. (DELAWARE
CORPORATION)
501 SILVERSIDE ROAD
WILMINGTON, DE 19809

FIRST USE 7-21-2004; IN COMMERCE 7-21-2004.

SN 78-238,326, FILED 4-16-2003.

FOR: MEAL REPLACEMENT BARS, IN CLASS 5
(U.S. CLS. 6, 18, 44, 46, 51 AND 52).

GEOFFREY FOSDICK, EXAMINING ATTORNEY

Int. Cls.: 5 and 30

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,979,959

Registered July 26, 2005

**TRADEMARK
PRINCIPAL REGISTER**

SLIM-FAST OPTIMA

LIPTON INVESTMENTS, INC. (DELAWARE
CORPORATION)
501 SILVERSIDE ROAD
WILMINGTON, DE 19809

FOR: BEVERAGE POWDER MEAL REPLACEMENT MIX, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 9-16-2004; IN COMMERCE 9-16-2004.

FOR: CHOCOLATE-BASED SNACK BARS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 7-19-2004; IN COMMERCE 7-19-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,288,616, 2,768,781, AND OTHERS.

SN 78-394,197, FILED 3-31-2004.

SUELLEN HICKEY, EXAMINING ATTORNEY

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SlimQuick Laboratories Weight Loss Supplement, Rapid Release Caplets

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Price \$29.99

Quantity: 1

Size/count: 72.0 ea.

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Description

- 6 Ways women lose weight.
- Clinically tested ingredients.
- Designed for women.
- SlimQuick Helps:
 - o Reduce excess water retention with the support of juniper berry.
 - o Balance female hormones with chaste tree berry.
 - o Reduce stress with rhodiola.
 - o Increase metabolism with green tea.
 - o Increase energy with the support of ginseng.
 - o Reduce appetite with the support of hoodia, used traditionally to control hunger.
- Manufactured in the United States.

These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

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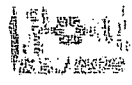
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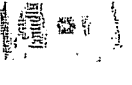
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Reviews

PRODUCT REVIEWS SUMMARY (Powered by [PowerReviews.com](#))

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Avg. Customer Rating: (based on 15 reviews)

Customers most agreed on the following attributes:

- Pros:** Easy to manage(9), Helped lose weight(8), Tastes fine(7), Works quickly(6)
- Cons:** Caused side effects(7), Didn't work(3)
- Best Uses:** Daily use(9), Exercise and diet supplement(6), Quick fix(4)
- Describe Yourself:** Overweight(5), Athletic(3), Health conscious(3)

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
REVIEWED BY 15 CUSTOMERS

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Not impressed

By **BRM**  from Houston, TX on 4/11/2008

Pros: Easy To Manage, Tastes Fine
Cons: Didn't Work
Best Uses: Exercise and Diet Supplement
Describe Yourself: Health Conscious
Bottom Line: No, I would not recommend this to a friend

Have used for 2+ weeks - have lost a whole 4 lbs in conjunction with daily exercise of at least 30 mins. and diet restriction. Definately not a "miracle pill"!!

Was this review helpful to you? Yes/No - You may also [flag this review](#).

helped lose weight - awful side effect!

By **Mel** from IL on 3/27/2008

Bottom Line: No, I would not recommend this to a friend

This product definitely helped me lose weight - I lost 12 pounds in 3 weeks. I was not overweight to begin with, but just wanted to slim down for the summer. It also gave me energy to exercise and took away my hunger. **HOWEVER** ... it gave me terrible acne! I am surprised no one else mentioned this. I actually had to stop taking the pills because of this. I've always had perfect skin but after 3 weeks of taking these pills I just started breaking out all over my face - huge, red, painful pimples. I knew the acne had to be from the pills because I was not doing anything else differently. After I quit taking the pills, the pimples didn't clear up for about 3 more weeks. At one point I counted 18 on my face at one time. I tried quite a few creams and scrubs, but new ones just kept coming up. This was very traumatic for me because I've never had to deal with acne before. Once I stopped taking the pills, I gained most of the weight back ... I felt hungry **CONSTANTLY** and felt tired every afternoon and not in the mood to go to the gym. Plus I think I was eating more because I was stressed from the acne. So overall, I would not recommend this product.

Was this review helpful to you? Yes/No - You may also [flag this review](#).

i have a question

By **miss dee** from houston texas on 3/16/2008

Cons: Caused Side Effects

I was wondering how many people have had the bad headaches?

Was this review helpful to you? Yes/No - You may also [flag this review](#).

So Far Ok But The Side Effects Are Harsh


By Lady M from Chicago, IL on 3/12/2008

Pros: Easy To Manage, Tastes Fine
 Cons: Caused Side Effects
 Best Uses: Quick Fix, Daily Use, Exercise and Diet Supplement
 Describe Yourself: Health Conscious
 Bottom Line: Yes, I would recommend this to a friend

I've only been on it for 3 days now and I have been feeling sick but the headaches don't linger that long, so far my appetite has changed and I don't snack anymore and I eat twice a day. I also started exercising and hopefully when 2 weeks or more pass by I can begin to see some progress, if not I might just stop using this product due to the side effects. I've read other reviews and I saw many women have lost 10 pounds or more in just a week or 2 and my aim is to lose 20 so hopefully by the end of the month I'll be at a good point. Wish me luck....wanna fit into that two piece this summer lol

Was this review helpful to you? Yes/No - You may also [flag this review](#).

awesome product

By Ms Haugen  from Texas on 3/10/2008

Pros: Easy To Manage, Helped Lose Weight, Tastes Fine, Works Quickly, No Side Effects
 Cons: None
 Best Uses: Exercise and Diet Supplement, Quick Fix, Post-Birth Weightloss, Daily Use
 Describe Yourself: Athletic

LOVE it. Lost 30 lbs after weaning my baby. LOVE IT LOVE IT. I want to be their spokeswoman!!!

Was this review helpful to you? Yes/No - You may also [flag this review](#).

Quick weight loss, some side effects

By Michelle from CT on 3/10/2008

Pros: Tastes Fine, Helped Lose Weight, Works Quickly, Easy To Manage
Cons: Caused Side Effects
Best Uses: Exercise and Diet Supplement, Daily Use, Quick Fix
Describe Yourself: Athletic, Health Conscious
Bottom Line: Yes, I would recommend this to a friend

This definitely worked to shed some weight really fast. I'd say I've dropped about 10 lbs in under 2 weeks. I would have given it 5 out of 5 stars if it weren't for the occasional headaches/nausea. Otherwise, it did its job.

Was this review helpful to you? [Yes/No](#) - You may also [flag this review](#).

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Displaying Reviews 1-6 of 15

Ingredients

Green Tea Extract - Camellia Sinensis - Leaf - 98% Polyphenols - 70% Catechins - 45% EGCG 135 mg, Caffeine - Anhydrous, Rhodiola Extract - Rhodiola Rosea - Root - 3% Rosavin, South African Hoodia - Hoodia Gordonii - Aerial Stems, Juniper Extract - Juniperus Communis - Fruit, Chaste Tree Extract - Vitex Agnus-Castus - Fruit, Soy Extract - Glycine Max - Seed - 40% Isoflavones, Asian Ginseng Extract - Panax Ginseng - Root - 10% Ginsenosides, Brown Seaweed - Fucus Vesiculosus - Whole Plant - Contains Fucoxanthin, Dandelion - Taraxacum Officinale - Taraxacum Officinale - Leaf, Yerba Mate - Ilex Paraguariensis - Leaf, Uva-Ursi - Arcotastaphylos Uva-Ursi - Leaf, Japanese Knotweed - Polygonum cuspidatum - Aerial Stem - 50% Resveratrol, Phytosterols - Glycine Max - Seed - 40% Beta-Sitosterol, L-Theanine, Microcystalline Cellulose, Film Coat, Hypromellose, Hydroxypropyl Cellulose, Acesulfame Potassium, Titanium Dioxide, Croscarmellose Sodium, Soy Polysaccharides, Maltodextrin, Stearic Acid, Magnesium Stearate, Silica

Instructions

- As a dietary supplement, take the first dose in the morning prior to breakfast and the second dose 6 hours later, each time on an empty stomach with 8 oz. of water.
- Refer to the dosing chart below. Do not exceed 4 rapid release caplets in a 24-hour period.
- SlimQuick should be used in conjunction with a sensible low-fat diet and regular exercise program - refer to booklet included.
- Do not take SlimQuick within 5 hours of sleep.
- Read the entire label before use and follow directions.
- Week 1:
 - o 1 Caplet morning
 - o 1 Caplet afternoon

- Week 2 and Onward:
 - o 2 Caplets morning
 - o 2 Caplets afternoon
- Store in a cool dry place.

Warnings

- Keep out of reach of children.
- Do not use if you are pregnant or nursing or are allergic to soy products.
- Not intended for use by persons under 18.
- Consult a physician before using this product if you have been treated for or, diagnosed with, or have a family history of any medical condition including, but not limited to, diabetes, anxiety disorders, glaucoma, cardiac conditions, osteoporosis, thyroid disease or hypertension, or if you are taking monoamine oxidase - MAO - inhibitors, anticoagulants, or any prescription drug or over-the-counter medication.
- One serving of this product contains the amount of caffeine equivalent to 2 cups of coffee. Limit use with other caffeine-containing sources such as coffee, tea or energy drinks.
- Discontinue use and immediately inform a medical doctor if you experience chest pain, dizziness, headache, irregular heartbeat, nausea, or other comparable symptoms.
- Use only as directed.
- Do not exceed recommended serving, as improper use of this product does not enhance results.
- Do not use if inner safety seal has been broken.

Item shipping Details

- Package Weight: 0.13LB
- Package Dimensions: W: 3.05" x H: 6.15" x D: 2.6"

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<h2>Description</h2> <ul style="list-style-type: none"> • Dietary Supplement. • Free powder packet sample inside. • With green tea, calcium and Vitamin D3. • Authentic Hoodia: <ul style="list-style-type: none"> ◦ Slimquick Hoodia is a trusted source of pure hoodia, containing 550 mg of certified authentic South African Hoodia gordonii - Refer to certificate of authenticity included in carton. • Uniquely Formulated for Women: <ul style="list-style-type: none"> ◦ Slimquick Hoodia is designed with three specific ingredients keeping women in mind - calcium, Vitamin D, and green tea. ◦ Calcium supports weight loss and Vitamin D3 helps to increase the absorption of calcium - a great combination. ◦ Green tea has been clinically tested to boost metabolism and promote weight loss. • Fast Acting: <ul style="list-style-type: none"> ◦ Slimquick Hoodia uses rapid release caplet technology. ◦ It disintegrates faster so it goes to work faster! • Includes free weight-loss program with recipes. • From the Experts in Female Weight Loss: <ul style="list-style-type: none"> ◦ Slimquick Laborites is committed to developing weight-loss solutions that are specifically designed for women. ◦ Our team of experts understands the unique challenges women face and develop breakthrough products. • Slimquick products use clinically tested ingredients to help women lose weight. • When used in conjunction with Slimquick Weight-Loss Program. • Manufactured in the United States from foreign and domestic ingredients. 		

These statements have not been evaluated by the Food and Drug Administration. This product is

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(11 Ratings)

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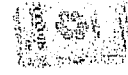
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[Rapid Release Caplets](#)

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Reviews

PRODUCT REVIEWS SUMMARY (Powered by [PowerReviews.com](#))

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Avg. Customer Rating: (based on 2 reviews)

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Sort by:

REVIEWED BY 2 CUSTOMERS

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[1 of 2 customers found this review helpful]

Doesn't work as it should...

By Reflection from Dallas, TX on 4/8/2008


Pros: Tastes Fine, No Side Effects
 Cons: Uneven Performance, Didn't Work
 Best Uses: Daily Use, Exercise and Diet Supplement
 Describe Yourself: Health Conscious, Overweight
 Bottom Line: No, I would not recommend this to a friend

Since I used SlimQuick's cleanser and it worked great, I tried this thinking it was going to work just as well, but it gave me no energy at all. I felt more fatigue taking this than I did without it. I actually feel like I gained and I was less motivated to work out like I normally would. I don't recommend this product, but I do recommend their cleanser. ;)

Was this review helpful to you? [Yes/No](#) - You may also [flag this review](#).

[2 of 3 customers found this review helpful]

Worked for Me

By lawchic  from Rochester, NY on 10/30/2007

Describe Yourself: Quality Oriented
Works Quickly, Helped Lose Weight, Easy To Manage, No Side Effects, Tastes Fine

Pros: Daily Use

Best Uses: Yes, I would recommend this to a friend

Bottom Line:

I would take three caplets in the morning before I went to work and it kept me energized without feeling hungry. After lunch I would take three more and found the same results. Not only does it suppress your appetite, but it definitely keeps you energized as well.

Was this review helpful to you? Yes/No - You may also [flag this review](#).

Displaying Reviews 1-2 of 2

Ingredients

Microcrystalline Cellulose , Maltodextrin , Croscarmellose Sodium , Soy Polysaccharides , Film Coat , Hypromellose , Hydroxypropyl Cellulose , Acesulfame Potassium , Titanium Dioxide , Stearic Acid , Magnesium Stearate , Silica

Nutritional Facts

Serving Size 3 caplets
Servings Per Container 20

Calories

Calories from Fat

Amount Per Serving	% Daily Value*	
Vitamin D (as Cholecalciferol)	50.0%	%
Calcium (as Calcium Carbonate/Citrate) 400.0 mg	40.0%	%
Certified Authentic South African Hoodia (Hoodia gordonii) (aerial stem) 550.0 mg	%	%
Green Tea Extract (Camellia sinensis) (leaf) Standardized for 98% Polyphenols, 75% Catechins, 45% EGCG (135 mg) 300.0 mg	%	%



Instructions

- As a dietary supplement, take one serving - 3 rapid release caplets - with 8 oz of water twice daily before lunch and dinner.
- Use in conjunction with a sensible low-fat diet and regular exercise program - refer to booklet included.
- For best results, do not snack after dinner and consume ten 8 oz glasses of water per day for overall good health.
- Read the entire label before use and follow directions.
- Store in a cool, dry place.
- Powder Packet:
 - o Read entire insert and follow directions included prior to consuming powder packet.

Warnings

- Keep out of reach of children.
- Do not use if you are pregnant or nursing or are allergic to soy products.
- Not intended for use by persons under 18.
- Consult a physician before using this product if you have been treated for or diagnosed with, or have family history of any medical condition if you are taking any prescription drug or over the counter medication.
- Use only as directed.
- Do not exceed recommended serving, as improper use of this product does not enhance results.
- Do not use if the inner safety seal has been opened.

Item shipping Details

-  Package Weight: 0.32LB
-  Package Dimensions: W: 3.05" x H: 6.1" x D: 2.4"

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